

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Civil Minutes

Date: May 4, 2016

Judge: Hon. James Donato

Time: 25 Minutes

Case No. **C-15-01617-JD**

Case Name **Sullivan v. Dolgen California, LLC, a Tennessee limited liability company**

Attorney(s) for Plaintiff(s): Mikael Hans Stahle

Attorney(s) for Defendant(s): Joel Steven Allen

Deputy Clerk: Lisa R. Clark

Court Reporter: Lydia Zinn

PROCEEDINGS

Motion to Certify Class - Held

RESULT OF HEARING

The Court hears argument on plaintiff's class certification motion, Dkt. No. 51, and takes the motion under submission.

Plaintiff confirms that the only claim for which she is seeking class treatment is the Printed Wage Statements claim under Cal. Lab. Code § 226, *see* Dkt. No. 12 ¶¶ 44-47, and an Unfair Competition Law claim, to the extent it is derivative of the Printed Wage Statements claim, *see id.* ¶¶ 48-55. All the other claims asserted in the complaint will be pursued on an individual basis.

In light of the class action waiver that some putative class members signed, the Court orders supplemental briefing on the enforceability of the waiver. Plaintiff will submit, within two weeks, a brief not to exceed 8 pages, detailing its challenges to the enforceability of the class action waiver. Within two weeks of being served plaintiff's brief, defendant will file its response not to exceed 8 pages. In the meantime, defendant will diligently work toward compiling a list of putative class members who have signed the class action waiver.

The Court denies plaintiff's request to extend the discovery deadline, but moves the trial date to December 2017.

Parties are referred to Magistrate Judge Spero, his schedule permitting, for a settlement conference.